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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,567	04/12/2004	Jimmie D. Burrow	125447-1005	2641

7590 03/03/2010
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EXAMINER

HIGGINS, GERARD T

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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03/03/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 02/17/2010 has not been entered because it raises new issues that require further search and consideration.

With regard to claims 29 and 37, the new issues that require further search and consideration are the fact that the limitations of claims 34 and 44 are being imported into independent claims 29 and 37, respectively. This means that other dependent claims will now have to be considered in combination with the limitations imported into claims 29 and 37, which represent a new search and consideration.

With specific regard to claim 29, the limitations “the image sheet with the transparent laminate sheet being cut according to the contours of the printed image” are a new search and consideration.

With regard to independent claim 38, the limitations “wherein said image sheet further comprises a transparent laminate sheet overlaying the printed image, the image sheet and transparent laminate sheet being cut to the contours of the printed image” represent a new search and consideration.

The Examiner notes that if this amendment was entered it would overcome the objections to claims 29 and 37, the rejection of claims 37, 39-42, and 44 under 35 USC 112, first paragraph, and the rejection of claims 29-44 under 35 USC 112, second paragraph set forth in the Office action mailed 10/13/2009.

The objection of claim 38 is not withdrawn because the relevant limitations on the fourth and fifth lines of the claim are now “having the on said first side of said image sheet” which remains objected to grammatically. If applicants change the claim to recite the limitations: “having the *printed image* on said first side of said image sheet,” the objection will be withdrawn.

Applicants argue that the fact that the inserts of Errichiello are molded and not individual image sheets “cut according to contours of the printed image” is a process step that leads to a distinct product.

With regard to claims 29 and 38, this limitation is a new search and consideration.

With regard to claim 37, the Examiner has set forth a *prima facie* case that despite the method step of “cut according to contours of the printed image,” the resultant article will have the same structural characteristics. Applicants have not provided any evidence to show a structural difference, and therefore the Examiner maintains that the inserts **32** and **34** of Errichiello read on applicants’ image sheet “cut according to contours of the printed image.”

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-Th 10am-8pm est. (Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on 571-272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Ruthkosky/
Supervisory Patent Examiner, Art Unit 1794

GERARD T. HIGGINS
Examiner
Art Unit 1794

/G. T. H./
Examiner, Art Unit 1794